THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16519 of 2007

14.8.2007

Between:

Allada Narayana Reddy, S/o.Anthi Reddy
And others

…Petitioners

And

The Joint Collector, Ranga Reddy District at Lakdi-ka-poor, Hyderabad
And others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16519 of 2007

ORDER:

Petitioners are allegedly owners of land admeasuring Acs.20.16 gts in survey No.109 situated at Chevella village in Ranga Reddy District. It is the case of the petitioners that the lands originally belonged to Allada Pochamma, mother of first petitioner, and late Allada Linga Reddy. It is their case that eighth respondent in collusion with Village Patwari fraudulently got entered his name in the village records (pahanis) for the years 1954-1955 to 2004-2005 showing himself as owner of the lands. Having come to know this, third petitioner approached the Mandal Revenue Officer (MRO), Chevella Mandal – third respondent herein. He issued memo dated 13.2.2007 informing the third petitioner that the protected tenancy register and khasra pahanis were torn and therefore certified copies cannot be issued. But the MRO issued pahanis for 1954-1955, 1955-1956 and 1957-1958 showing the name of first petitioner as khatadar. Petitioners contend that eighth respondent is aged about 45 years as per the voters list and therefore he could not have born in 1951 during which year he allegedly purchased the property, in the pahanis.

Petitioners filed revision petition being D1/1273/04 before the first respondent under Section 9 of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) seeking rectification of entries in the revenue records (pahanis) from 1955-1956 to 2005-2006. First respondent dismissed the same on 02.4.2007. Aggrieved by the same, present writ petition is filed.

Learned Counsel for the petitioners submits that in the pahanis

from 1954-2005, eighth respondent was shown as purchaser on 03.4.1951 and this is certainly a fraud played by eighth respondent. He would urge that it is always permissible for first respondent to exercise revisional powers irrespective of time-limit and therefore first respondent erred in dismissing the application of the petitioners as barred by time.

First respondent rejected the revision petition filed by the petitioners on the ground that it is barred by limitation and it is not maintainable. While doing so, first respondent made following observations.

> In this regard it is informed that though, neither the rule nor the section prescribes any time limit for exercise of the revision, such power must be exercised within a reasonable time **State of Gujarat v Patil Raghav Natha**[1]. Merelybecause the section commences with the words "If at any time" it cannot be taken to mean that those powers could be exercised without any time limit, unmindful of the rights of the parties acquired in the meantime under the ordinary law of limitation **Jai Mangal Oraon v Mira Nayak**[2].
>
> In the instant case, the revision petitioner has sought rectification of entries in Record of Rights from 1955-56 in the year 2007. The petition is clearly barred by limitation and is not maintainable.
>
> If the petitioner is aggrieved as to any rights of which he is in possession by an entry made in any record of rights he may institute a suit against any person denying or interested to deny his title to such right for declaration of his right under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963) and in accordance with Section 8(2) of the Andhra Pradesh Rights in Land and Pattadar Pass books Act, 1971.

In **Patil Raghav Natha** (supra), which is referred to by the first respondent, the Supreme Court deprecated the revisional authorities in entertaining such petitions after long delay. In this case, as observed by the first respondent, petitioners sought rectification of entries in the pahanies from 1955-1956 after lapse of about 40 years and therefore the order of the first respondent cannot be faulted. Secondly as per Rule 3 of Andhra Pradesh Rights in Land and Pattadar Pass Book Rules, 1989, pahanies/adangals do not constitute record of rights for the village. Therefore it is doubtful whether petitioners could have succeeded before the first respondent in their application for rectification of pahanis. Petitioners' remedy is to file a suit before appropriate Court.

The writ petition is misconceived and is accordingly dismissed.

No costs.

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(**V.V.S.RAO, J**)

August 14, 2007
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[1] AIR 1969 SC 1297 = (1969) 2 SCC 187

[2] AIR 2000 SC 2276 = (2000) 5 SCC 141